

**TITLE 2. ADMINISTRATION  
DIVISION 3. STATE PROPERTY OPERATIONS  
CHAPTER 1. STATE LANDS COMMISSION  
ARTICLE 5.6 OIL TRANSFER AND TRANSPORTATION EMISSION AND RISK  
REDUCTION**

**NOTICE OF PROPOSED RULEMAKING**

The California State Lands Commission ("the Commission") proposes to adopt the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Commission proposes to adopt a new regulation under Article 5.6, Section 2580, to Title 2, Division 3, Chapter 1 of the California Code of Regulations, Oil Transfer and Transportation Emission and Risk Reduction Form. This section requires responsible parties engaged in the internal shipment of oil as defined in Section 8782 of the Public Resources Code to comply with the provisions of Section 8783 of the Public Resources Code.

The proposed regulatory form would specify information reporting requirements and instructions for responsible parties engaged in the internal shipment of oil. The reporting of this information will allow the Commission to collect and analyze all pertinent emissions data resulting from vessels involved with the internal shipment of that oil.

**PUBLIC HEARING**

The Commission Staff has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 PM on November 3, 2003. All written comments must be received at the Commission by that time. Written comments should be submitted to:

California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802-4335  
Attention: Livin Prabhu

Written comments may also be submitted by facsimile to (562) 499-6317, attention Livin Prabhu or by e-mail to "[prabhul@slc.ca.gov](mailto:prabhul@slc.ca.gov)"

## **AUTHORITY AND REFERENCE**

P.R.C. Section 8783 directs the Commission to develop a form to be completed by the responsible party engaged in the internal shipment of oil as defined in P.R.C. Section 8782. Accordingly, the proposed regulation would implement, interpret, or make specific the required information specified in Section 8783.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Commission proposes to adopt Section 2580 in Title 2 of the California Code of Regulations

P.R.C Section 8783 directs the Commission to develop a form to be completed by the responsible party engaged in the internal shipment of oil as defined in Section 8782. The purpose of this form is to enable the Commission to obtain information and track the amount and type of oil transported, as well as the name of the vessel, the vessel's route, and air emissions relating to the internal shipment of that oil.

Section 2580 California Code of Regulations, Oil Transfer and Transportation Emission and Risk Reduction Form will allow the Commission to collect the necessary data required by P.R.C. Section 8783 to effectively estimate and report to legislature in summary as required in P.R.C Section 8784.

The "Oil Transfer And Transportation Emission And Risk Reduction Form" (OTTER), has been incorporated by reference and available for review in the Initial Statement of Reasons.

The Commission is now proposing a new Article 5.6, "Oil Transfer and Transportation Emission and Risk Reduction", under Title 2, Division 3, Chapter 1, Article 5.6 of the CCR, consisting of a single Section 2580.

§2580 would establish reporting requirements for responsible parties involved in the internal shipment of oil as defined in Section 8782 of the Public Resources Code (P.R.C.) to comply with the provisions of Section 8783 of the Public Resources Code.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Commission has made the following determinations:

The Commission has determined that the proposed regulation does not impose any mandates on local agencies or school districts.

The Commission has also determined that the proposed regulation does not impose any mandate requiring state reimbursement to any local agency or school district, pursuant to Government Code Sections 17500 *et seq.* No other non-discretionary cost or savings imposed on local agencies is anticipated.

The Commission has determined that no other costs or savings to any other state agencies are anticipated.

The Commission has determined that the proposed regulation will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Commission has determined that the proposed regulation will have no significant impact upon any of the following:

- (1) Creation or elimination of jobs within the State of California;
- (2) Creation of new business or the elimination of existing businesses within the State of California; and
- (3) Expansion of businesses currently doing business within the State of California.

The Commission has determined that adoption of this regulation will not affect small businesses. None of the business that will be governed by these proposed regulations can be considered to be a 'small business' as defined in Gov. Code § 11342.610.

The Commission has determined that the proposed regulation will have no significant effects on housing costs.

The Commission has determined that the proposed regulation will have no impact on costs or savings in Federal funding to the State.

The Commission finds that the adoption of this regulation, which requires a report applying to businesses, is necessary for the health, safety or welfare of the people of this state.

#### **FISCAL IMPACT STATEMENT/FORM 399**

The proposed regulations are reporting requirements only, as specified in P.R.C Section 8783. Therefore, minimal costs will be incurred.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

## **CONTACT PERSONS**

Please direct all questions regarding the proposed regulations to:

Livin D. Prabhu  
Supervisor, Planning Branch  
California State Lands Commission  
Marine Facilities Division  
200 Oceangate Suite 900  
Long Beach, CA 90802-4335

Telephone: (562) 499-6312  
Facsimile: (562) 499-6317

Alternate Contact:

Mark A. Meier  
Senior Staff Counsel  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

Telephone: (916) 574-1853  
Facsimile: (916) 481-1855

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Long Beach office. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above or by e-mail to "[prabhul@slc.ca.gov](mailto:prabhul@slc.ca.gov)"

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least fifteen days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin D. Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Livin D. Prabhu at the above mentioned address.

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of regulations can be accessed through our website at [http://www.slc.ca.gov/Division\\_Pages/MFD/MFD\\_Home.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm)